

**REMARKS**

This Amendment and Response is filed in reply to the Office Action dated March 17, 2003. In this Response, Applicants amend claims 1, 4-5, 7-9, 11, 13, 25-27, 30-31, 33-35, 37, 39, 43, and 51-52 to correct antecedent basis and form issues. Amendments to the claims are not an acquiescence to any of the rejections. Silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claims, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claims depends. Claims 1-52 are pending in the present application.

The issues of the March 17, 2003, Office Action are presented below with reference to the Office Action.

With regard to the Office Action Summary: In the Office Action Summary, acknowledgement is made of a claim for foreign priority under 35 U.S.C. §119(a)-(d) or (f). However, in the present application, Applicants have not claimed and do not currently claim priority under 35 U.S.C. §119(a)-(d) or (f).

With regard to the application papers, the drawings were objected to by the Examiner. Applicants provide formal drawings herewith and submit that the drawings are now in compliance with 37 CFR §1.84.

With regard to the Office Action, paragraph 3-4: The Examiner rejected claims 1-52 under the judicially created doctrine of double patenting over claims 1-30 of U.S. Patent No. 6,490,580 B1 and claims 1-24 of U.S. Patent No. 6,493,707 B1. The current application, U.S. Patent No. 6,490,580 B1, and U.S. Patent No. 6,493,707 B1 are commonly owned. Applicants submit a Terminal Disclaimer herewith and thereby obviate the Examiner's rejection of claim 1-52 based on non-statutory double patenting.

With regard to the Office Action, paragraph 5-7: The Examiner rejected claims 25-26 and 51-52 under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 25-26 and 51-52 have been amended to depend upon claims 20 and 46, respectively. Applicants submit that claims 25-26 and 51-52, as amended, now recite the claimed subject matter in definite terms. Applicants thus traverse the Examiner's rejections based on 35 U.S.C. §112.

With regard to the Office Action, paragraph 8-12: The Examiner rejected:

(1) claims 1-14, 18-19, 27-40, and 44-45 under 35 U.S.C. §103(a) as being unpatentable over Wistendahl et al. (U.S. Patent No. 5,708,845), in view of Logan et al. (U.S. Patent No. 6,199,076 B1) and Giddings (U.S. Patent No. 4,845,697);

(2) claims 20-21, 24-25, 46-47, and 50-51 under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al., Logan et al., and Giddings and further in view of Yeomans (U.S. Patent No. 6,182,065 B1); and

(3) claims 22-23 and 48-49 under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al., Logan et al., Giddings, and Yeomans and further in view of S.E. Robertson et al.

As the Examiner knows, a *prima facie* case of obviousness requires that there be some suggestion or motivation to combine references, that there be a reasonable expectation of success, and that the prior art references teach or suggest all of Applicants' claim features. *In re Vaeck*, 947 F. 2d. 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants submit that the combination of Wistendahl et al., Logan et al., and Giddings, does not teach all features of Applicants' claims, as required for a proper rejection under 35 U.S.C. §103(a). In particular, independent claims 1 and 27 are directed to finding documents which relate to a portion of a temporal document and recite, among other things, weighting each term in the selected text by a function  $W(t)$  according to the time  $t$  at which the term occurs relative to the time at which the signal of interest occurs. As discussed below, none of Wistendahl et al., Logan et al., or Giddings, alone or in combination, teach such features as provided by feature (c) or Applicants' independent claims 1 and 27.

Applicants agree with the Examiner's statement on page 4 of the Office Action that Wistendahl et al. do not teach feature (c) of Applicants' independent claims 1 and 27. However,

Applicants disagree with the Examiner's statement that "Logan et al. teach weighting each term according to the number of times it occurs within a certain program segment announcement (*i.e.*, time period) and using the weighted term in a search." Logan et al. teach that a user may request an audio player to locate and play a next program selection that contains particular words or phrases, and in response, the player searches program segments for the particular words or phrases. In contrast to Applicants' feature (c), these phrases are unweighted (Logan et al., col. 39, lines 10-19). Logan et al. also teach the ability to inform the user of the number of times a term occurs in a program segment by using conventional text indexing techniques (Logan et al., col. 39, lines 20-37). Merely counting a number of occurrences as provided in Logan et al. is not the same as Applicants' claims, which include weighting each term according to the time  $t$  at which the term occurs relative to the time at which a signal of interest occurs.

The Examiner also states that "Giddings would have suggested to one of ordinary skill in the art a combining and extending Wistendahl et al. and Logan et al. to use a function  $W(t)$  according to the time  $t$  at which the term occurs relative to the time at which the signal of interest occurs." Giddings teaches a technique of searching for a selected video frame in which, after failure to find the selected frame, a back and forth search of an adjacent frame is conducted until an acceptable frame number within a prescribed distance from the originally selected frame number is found (Giddings, col. 5, lines 27-42). Because Giddings teaches a distance, nowhere does Giddings teach the time  $t$  at which a term occurs relative to the time at which a signal of interest occurs, as claimed by Applicants. Moreover, in Giddings, even if starting a search for a frame can be characterized as the time at which a signal of interest occurs, Giddings provides no teaching of the time  $t$  at which a term occurs relative to the signal of interest.

Accordingly, because none of Wistendahl et al., Logan et al., or Giddings, individually or in combination, teach feature (c) of independent claims 1 and 27 directed to weighting each term in the selected text by a function  $W(t)$  according to the time  $t$  at which the term occurs relative to the time at which the signal of interest occurs, the Examiner has not provided a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, Applicants traverse Examiner's rejection of independent claims 1 and 27, and submit that independent claims 1 and 27 are allowable. Absence of remarks on other aspects of *prima facie* obviousness is not an acquiescence to such aspects, but a recognition that such aspects are moot based on the Examiner's failure to show that all features of Applicants' claims are obtained. Claims 2-26 depend upon claim 1, and

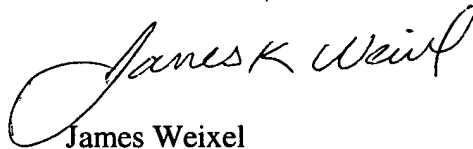
claims 28-52 depend upon claim 27. As such, claims 2-26 and 28-52 are also allowable for depending upon an allowable base claim.

With regard to the Office Action, paragraph 13-15: Applicants note with appreciation the Examiner's finding that claims 15-17, 26, 41-43, and 52 recite allowable subject matter.

**Conclusion**

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (781) 466-2220.

Respectfully submitted,



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